IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.635 OF 2006.

Dashrath Ganpat Parkar .. Appellant

versus

Municipal Corporation of

Greater Mumbai & Ane. .. Respondent

...

Mr.Sachin V.Mashurkar for the appellant.

Geeta Joglekar for respondent no.1.

Mr.Harish R.Pawar for respondent no.2

CORAM : D.G. KARNIK, J

DATED : 11th September, 2006

P.C:-

1. At the hearing of the appeal learned counsel for the appellant seeks permission to leave to withdrawn the suit pending in the trial court as well the present appeal with liberty to approach the State Government under the relevant provision of the Maharashtra Regional and Town Planning Act, 1966. He, however prays for an interim protection for reasonable time to

approach the state Government. Learned counsel for the

respondent no. 1 and 2 have no objection to grant interim protection for limited time.

2. In the circumstances, the appellant is permitted to withdrawn the suit bearing no. 2269 of 2006 pending in the Court of City Civil Judge, Mumbai. The suit stands withdrawn. However, the respondents shall not take any action for a period of eight weeks in pursuance of the notice dated 6th December, 2004, copy of which is annexed at Exh.F to the appeal.

3. In view of withdrawal of the suit the appeal does not survive and is disposed of.

4. All the concerned to act upon an authenticated copy of this order.

(D.G. KARNIK, J.)